

**SENATE JOURNAL
66TH LEGISLATURE
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Osmundson, and Phillips, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/23/2019

Correctly printed: **SB 2, SB 10, SB 14, SB 25, SB 28, SB 42, SB 50, SB 51, SB 56, SB 57, SB 63, SB 67, SB 74, SB 75, SB 77, SB 83, SB 90, SR 1, SR 4, SR 5, SR 6, SR 7, HB 1.**

Correctly engrossed: **SB 22, SB 37, SB 76.**

Transmitted to the House: **SB 5, SB 11, SB 16, SB 34, SB 46, SB 64, SB 82.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair):

1/22/2019

SB 22, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "\$50"

Strike: "\$100"

Insert: "\$75"

2. Page 3, line 1.

Following: "\$50"

Strike: "\$100"

Insert: "\$75"

And, as amended, do pass.

JUDICIARY (Regier, Chair):

1/23/2019

SB 37, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "RECORDING"

Strike: "OR WRITTEN RECORD"

2. Page 1, line 17.

Strike: "subsection"

Insert: "subsections"

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Following: "(1)(b)(ii)"

Insert: "and (1)(b)(iii)"

3. Page 1, line 20 through line 22.

Following: "(ii)"

Strike: remainder of line 20 through line 22

Insert: "If an inmate who is scheduled for a parole hearing is serving a Montana sentence in an out-of-state correctional facility and the board's video recording system is incompatible with the out-of-state facility's system, making it impossible to video-record the inmate, the board shall nevertheless create a dual audio-video recording of the parole hearing in which the board panel can be seen and heard and the subject inmate can hear the panel and be heard by the panel.

(iii) If due to equipment failure a video recording of a scheduled parole hearing cannot be made, the board panel shall give the inmate an option to stipulate to an audio-only recording of the hearing in lieu of postponing the hearing until a later date after the video recording equipment failure is rectified. The stipulation and the hearing must be audio-recorded in that circumstance."

And, as amended, do pass.

SB 84, do pass.

TAXATION (Webb, Chair):

1/23/2019

SB 111, do pass.

SR 2, be adopted.

SR 3, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/22/2019

HB 39, introduced by D. Fern

HB 62, introduced by B. Grubbs

HB 79, introduced by T. Welch

HB 82, introduced by D. Loge

HB 83, introduced by M. Caferro

HB 103, introduced by G. Pierson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

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SB 163, introduced by S. Fitzpatrick, referred to Local Government.

SB 164, introduced by F. Thomas, referred to Education and Cultural Resources.

SB 165, introduced by M. MacDonald, D. Sands, referred to Taxation.

The following Senate bill was introduced and read first time:

SB 166, introduced by B. Gillespie.

The following Senate bills, previously introduced, were referred to committees:

SB 72, introduced by J. Sesso (by request of the Water Policy Interim Committee), referred to State Administration.

SB 158, introduced by G. Vance, referred to Highways and Transportation.

SB 160, introduced by N. McConnell, K. Abbott, J. Bachmeier, J. Bahr, D. Barrett, B. Bennett, B. Bessette, L. Bishop, C. Boland, Z. Brown, M. Caferro, J. Cohenour, W. Curdy, K. Dudik, M. Dunwell, D. Fern, R. Fitzgerald, P. Flowers, M. Funk, F. Garner, J. Gross, B. Grubbs, J. Hamilton, D. Harvey, D. Hayman, M. Hopkins, T. Jacobson, J. Karjala, K. Kelker, C. Keogh, E. Kerr-Carpenter, R. Lynch, M. MacDonald, S. Malek, M. Marler, E. McClafferty, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, J. Read, T. Richmond, T. Runningwolf, M. Ryan, W. Sales, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, B. Smith, F. Smith, S. Stewart Peregoy, K. Sullivan, S. Vinton, T. Welch, T. Winter, T. Woods, referred to Business, Labor, and Economic Affairs.

SB 161, introduced by T. Jacobson, referred to Local Government.

SB 162, introduced by R. Webb, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 39, introduced by D. Fern (by request of the Department of Transportation), referred to Highways and Transportation.

HB 62, introduced by B. Grubbs (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 79, introduced by T. Welch (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

HB 82, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.

HB 83, introduced by M. Caferro (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 103, introduced by G. Pierson (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

The following House bills, previously introduced, were referred to committees:

HB 20, introduced by R. Peppers (by request of the State-Tribal Relations Committee), referred to Judiciary.

HB 43, introduced by D. Loge (by request of the Environmental Quality Council), referred to Fish

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and Game.

HB 117, introduced by K. Holmlund (by request of the State Public Defender), referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 8 - Senator K. Regier moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Cuffe.

Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 41 - Senator Richmond moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Cuffe.

Total 1

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Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 47 - Senator Cohenour moved **SB 47** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Salomon, Small, Smith C, Thomas, Vance, Webb.

Total 23

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Keenan.

Total 1

Paired: None.

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Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 2 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

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Total 3

Absent or not voting: None.

Total 0

SB 14 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 25 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 45

Nays: Esp, Howard.

Total 2

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

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SB 28 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Mr President, Olszewski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 40

Nays: Bennett, Boland, Ellis, MacDonald, Malek, Pomnichowski, Sands.

Total 7

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 42 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 33

Nays: Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Salomon, Smith C, Vance.

Total 14

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 51 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President,

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Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Hinebauch.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 56 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Ellsworth, Hinebauch, Mr President, Vance.
Total 4

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 57 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.

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Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 63 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 67 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

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Total 3

Absent or not voting: None.

Total 0

SB 75 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

SB 90 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 45

Nays: Esp, Mr President.

Total 2

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.

Total 0

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MOTIONS

Majority Leader Thomas moved that **SB 8**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 24, 2019, the fourteenth legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate